

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

LANDRY'S LLC AND LANDRY'S
TRADEMARK INC.

Plaintiffs,

V.

HOUSTON INTERACTIVE
AQUARIUM & ANIMAL PRESERVE,
LLC, CRYSTAL COVINO, and
AMMON COVINO

Defendants.

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Civil Action No. 4:23-cv-1229
Jury Demand

**ORDER GRANTING
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Before the Court is Plaintiffs Landry's LLC and Landry's Trademark Inc.'s motion for a preliminary injunction. Upon consideration of the motion, the response, reply, the argument and testimony of counsel and witnesses, and the applicable law, the Court is of the opinion that the motion should be GRANTED.

It is therefore ORDERED that pending the entry of final judgment in this action, Defendants and their officers, directors, agents, servants, and employees, as well as all persons in active concert, participation, or privity with Defendants:

- (1) Shall not use the domain name houstonaquariumtx.com or any domain name that contains the words “Houston” and “Aquarium”;
- (2) Shall change the business designation and/or business name such that it does not contain the words “Houston” and “Aquarium”;

- (3) Shall not use the words “Houston” and “Aquarium” in any name, logo, tagline, design, or trade dress to sell, market, advertise, distribute, or otherwise identify Defendants’ products and/or services;
- (4) Shall not use the words “Adventure” and “Pass” in any name, logo, tagline, design, trademark, service mark, or trade dress to sell, market, advertise, distribute, or otherwise identify Defendants’ products and/or services;
- (5) Shall not use the words “Underwater” and “Adventure” in any name, logo, tagline, design, trademark, service mark, or trade dress to sell, market, advertise, distribute, or otherwise identify Defendants’ products and/or services;
- (6) Shall not use as part of any logo, design, or trade dress, any stylization of the word “Aquarium” that uses blue and white colors and an angular block typeface in a font size larger than that of any other word in such logo, design, or trade dress;
- (7) Shall not use any names, trademarks, service marks, logos, taglines, or designs that are confusingly similar to Landry’s Marks or Landry’s Trade Dress, or that suggest an affiliation with or connection to the Houston Downtown Aquarium;
- (8) Shall not maintain or pursue trademark registrations or registration applications for any mark or trade dress subject to this Order.

It is further ORDERED that Defendants shall immediately cease further use of all marks or trade dress subject to this Order, and shall immediately provide a copy of this Order to each of their officers, directors, agents, servants, and employees, as well as all persons in active concert or participation with Defendants, who participate in or have any

responsibilities relating to the subject matter of this action.

It is further ORDERED that within thirty (30) days of the date of this Order, Defendants shall delete or remove, or cause to be deleted or removed, any internet posts, advertisements, or signage that displays, in any manner, any mark or trade dress subject to this Order, from Defendants' website, Facebook, Instagram, and any other social media pages.

It is further ORDERED that within thirty (30) days of the date of this Order, Defendants shall report to this Court, setting forth the manner and form in which Defendants complied with this Order.

It is so ORDERED.

Signed this _____ day of _____, 2023.

Hon. Andrew M. Edison
United States Magistrate Judge